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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,552	04/22/2005	Leigh Richardson	37261P107	5756
7590 10/16/2007 Blakely Sokoloff Taylor & Zafman 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			EXAMINER MERLINO, ALYSON MARIE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/532,552

Applicant(s)

RICHARDSON, LEIGH

Examiner

Alyson M. Merlino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 28-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 28-40 and 43-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 28-44 and the addition of new claim 45.

### *Claim Objections*

2. **Claims 28, 41, and 45 are objected to** because of the following informalities:
  - a. **In regards to claims 28 and 45**, the language used within the phrase "to be moveable both with and relative to the primary bolt" in the claims is unclear. A suggested change to this phrase is "to be moveable together with the primary bolt and relative to the primary bolt" for clarification of the movement capabilities of the secondary bolt.
  - b. **In regards to claim 41**, it is suggested that the phrase "an indication visually apparent from externally of the body of the latch device" should be changed to "an indication visually apparent from an external surface of the body of the latch device" for clarification. In accordance with this suggested change, the phrase "an external surface of the body" in the last line of the claim should be changed to "the external surface of the body."

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 41-44 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. Specifically, in view of the figures it is unclear how the distal end of the elongate member of the indicator slidingly engages an opening in the external surface of the body when it is clear from the figures that it passes through the opening. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

5. **Claim 42-44 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is clear from the figures that the device is provided with two cover elements, whereas, the phrase "one or more" in the claim suggests that there can be more than two cover elements. It is suggested that this phrase be changed to recite that the device has two cover elements.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 41 is rejected** under 35 U.S.C. 102(b) as being anticipated by Pullen (US-5927769).

8. **In regards to claim 41**, Pullen discloses a self-latching device including a latch body 10 having a primary bolt 30 mounted for sliding movement in the body between a latching position (Figures 1 and 2) where, in use, the primary bolt engages in a latching configuration with a strike 19 (Figure 1) and a retracted position (Figure 3). Pullen

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further discloses an opening element 22a, 22b, 28 operatively coupled to the primary bolt (Figure 2) to enable the primary bolt to be removed from the latching position to the retracted position (apparent from Figures 2 and 8). Pullen also discloses a retaining means 32 to retain the primary bolt in the retracted position (Figure 3) and a release member 40, 42 moveable independent of the primary bolt to effect release of the retaining means to release the primary bolt and enable it to move from the retracted position to the latching position (Col. 5, lines 1-13).

Pullen discloses an indicator means 70, 76 moveable in response to movement of the primary bolt (apparent from Figure 8) to provide an indication visually apparent from an external surface of the body of the latch device (movement of 70, 76 between position shown in Figure 7 to position shown in Figure 8) being in a latching (Figure 2) or non-latching configuration (Figure 8). Pullen further discloses that the indicator includes an elongate member (portions near reference characters 76 and 70, Figure 7) with a distal end (end of portion 76 above reference character 76 and end of portion 70 below reference character 70, Figure 7) slidingly engaged in an opening 78a, 78b in the external surface of the body (Figure 7).

***Allowable Subject Matter***

9. **Claims 28-40 and 45 would be allowable** if the suggested change as noted above or similar language is included within claims 28 and 45 for clarification of the movement capabilities of the secondary bolt with respect to the primary bolt.

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10. **Claims 42-44 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, of claim 42 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

11. Applicant's arguments filed 6 August 2007 have been fully considered but they are not persuasive.

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the secondary bolt is moveable engaged within the primary bolt) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Furthermore, the engagement of retaining means 32 with the primary bolt allows the secondary bolt to be "moveably engaged with" the primary bolt.

13. The examiner would like to note that after further review of the claims, a rejection of claim 41 is set forth as discussed above.

14. The examiner acknowledges applicant's amendments to the drawings and therefore withdraws the drawing objections set forth in the previous office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyson M. Merlino whose telephone number is (571) 272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM *AM*  
October 9, 2007

  
PATRICIA ENGLE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600